

MCDERMOTT WILL & EMERY LLP

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Attorneys for Defendant BDO USA, LLP

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE ELECTRIC LAST MILE
SOLUTIONS, INC. SECURITIES
LITIGATION

CASE NO. 2:22-cv-00545-CCC-LDW

**NOTICE OF MOTION TO DISMISS
PLAINTIFFS' AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P 12(B)(6)
ON BEHALF OF BDO USA, LLP**

Return Date: May 15, 2023
(Oral Argument Requested)

TO: ALL PARTIES AND COUNSEL OF RECORD

PLEASE TAKE NOTICE that on Monday, May 15, 2023 at 9:00 a.m., or as soon thereafter as the attorneys for the parties may be heard, the undersigned attorneys for Defendant BDO USA, LLP (“BDO”) will move before the Hon. Claire C. Cecchi, U.S.D.J. at the United States District Court, District of New Jersey, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street Room 4015, Newark, NJ 07101 for an Order granting this Motion to Dismiss the Amended Complaint against BDO with prejudice pursuant to Fed. R. Civ. P 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of this motion, BDO will rely upon the accompanying memorandum of law submitted and filed herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith, and oral argument is requested on the return date.

Dated: April 11, 2023

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

By: /s/ David W. Kiefer

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